

JOSEPH D. LEE (State Bar No. 110840)
joseph.lee@mto.com

MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071-3426
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

JEREMY A. LAWRENCE (State Bar No. 270866)
jeremy.lawrence@mto.com

MUNGER, TOLLES & OLSON LLP
560 Mission Street, Twenty-Seventh Floor
San Francisco, California 94105
Telephone: (415) 512-4000
Facsimile: (415) 512-4077

Attorneys for Defendants BRIUS
MANAGEMENT CO., and BRIUS, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NANCY HEARDEN, et al.,

Plaintiffs,

vs.

WINDSOR REDDING CARE CENTER,
LLC, et al.,

Defendants.

No. 2:22-CV-00994-MCE-DMC

**STIPULATION AND ORDER
REGARDING MOTION TO REMAND
BRIEFING AND EXTENSION OF
DEADLINE FOR RESPONDING TO
COMPLAINT**

The Plaintiffs, Brius Management Co., Brius, LLC (together with Brius Management Co., the “Brius Defendants”), Windsor Redding Care Center, LLC, Lee Samson, and S&F Management Company (all of the foregoing, the “Parties”), by and through their undersigned counsel, hereby submit the following stipulation.

WHEREAS, Plaintiffs filed a complaint against the Defendants in the Superior Court of the State of California for Shasta County on August 26, 2021, and filed a First Amended Complaint in that court on April 27, 2022;

///

///

1 WHEREAS, the Brius Defendants removed the action to this Court on June 6, 2022 on
2 three separate bases: the complete preemption doctrine, the embedded federal question doctrine,
3 and the federal officer removal statute, 28 U.S.C. § 1442(a)(1);

4 WHEREAS, the Brius Defendants' removal papers acknowledge that *Saldana v.*
5 *Glenhaven Healthcare LLC*, 27 F.4th 679 (9th Cir. 2022), is binding on this Court, but wish to
6 preserve all of their rights, including with respect to further review by the Ninth Circuit *en banc*
7 and the United States Supreme Court;

8 WHEREAS, Plaintiffs intend to file a motion to remand this case to state court, including
9 on the basis of *Saldana*, and the Parties agree that the motion to remand should be decided prior to
10 litigating other issues including arbitrability of certain Plaintiffs' claims and potential motions
11 under Rule 12(b)(6), Fed. R. Civ. P., as to which the Defendants reserve all their rights;

12 WHEREAS, the Parties wish to preserve judicial and party resources, and coordinate and
13 streamline their efforts to obtain a judicial resolution of their disagreements regarding this Court's
14 jurisdiction over this action;

15 WHEREAS, Defendant Shlomo Rechnitz has not been served with the Complaint and has
16 not appeared in this action, but counsel for the Brius Defendants represent that they are authorized
17 to confirm that Mr. Rechnitz agrees to be bound by any final decision in this action with respect to
18 the availability of federal jurisdiction;

19 NOW, THEREFORE, the Parties, by and through their undersigned counsel, hereby
20 stipulate to the following:

21 Defendants' deadline for answering or otherwise responding to the First Amended
22 Complaint shall be stayed pending the Court's resolution of Plaintiffs' forthcoming motion to
23 remand, and in the event that the Court denies the motion to remand, Defendants' responsive
24 pleading shall be due 21 days after the order is issued.

25 ///

26 ///

27 ///

28 ///

1 DATED: June 24, 2022

REINER, SLAUGHTER, MAINZER
& FRANKEL, LLP
KERSHAW, COOK & TALLEY PC
YORK LAW CORPORATION

5 By: /s/ Stuart Talley (as authorized on June 16, 2022)
6 STUART C. TALLEY
Attorneys for Plaintiffs

7 DATED: June 24, 2022

MUNGER, TOLLES & OLSON LLP

10 By: /s/ Jeremy A. Lawrence
11 JEREMY A. LAWRENCE
Attorneys for Defendants BRIUS MANAGEMENT
12 CO. and BRIUS, LLC


13 DATED: June 24, 2022

JOSHUA SABLE (State Bar No. 170569)
7590 N Glenoaks Blvd, Ste 200
Burbank, CA 91504-1011
Phone: 818-827-0352
jsable@snfmgt.com

17 By: /s/ Josua Sable (as authorized on June 16, 2022)
18 JOSHUA SABLE
Attorneys for Defendants WINDSOR REDDING
19 CARE CENTER, LLC, LEE SAMSON, and S&F
20 MANAGEMENT COMPANY

21 IT IS SO ORDERED.

22 DATED: June 24, 2022

23 
24 MORRISON C. ENGLAND, JR.
25 SENIOR UNITED STATES DISTRICT JUDGE
26
27
28